

# Notice of Allowability

Application No.

10/726,157

Examiner

Brian M. Healy

Applicant(s)

CASTANON ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 02 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 03292005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Brian Healy  
Primary Examiner

**REASONS FOR ALLOWANCE**

The following is an Examiner's Statement of Reasons for Allowance: The closest prior art of record i.e. Fatehi et. al., U.S.P. No. 5,959,767 teaches an optical cross-connect device and method of using same (Figs.1-10) including a plurality of optical inputs (101-1,102-2,,ect.), a plurality of optical output ports (106-1, 106-2..ect.), a plurality of filters (309-11.309-12, ect.) and a plurality of optical amplifiers (303-11,303-12, ect.) that are controlled by a plurality of pump sources (307-1,307-2..ect.) that are controlled by a system controller 304. Neither Fatehi et. al. 767' nor any of the other references of record teaches or suggests the claimed optical cross-connect and method of making using optical connections using same comprising: a plurality of optical input and output ports, a distributing amplifier associated with each input port to generate a plurality of copies of the input signal received at the input port, a plurality of filter units each operable to receive a copy of one or more of the input signals from one or more of the distributing amplifiers; forward traffic in selected channels of one or more of the copies; a combining amplifier associated with each output port with each combining amplifier being operable to receive the traffic in one or more channels forwarded by one or more of the filter units and combine the received traffic into an output signal to be output from the associated output port and one or more regeneration modules each operable to regenerate the traffic in one or more channels of one or more of the input channels. Each of the independent claims includes the aforementioned limitations and

the dependent claims includes the limitations of the independent claims with additional limitations (see the dependent claims for details of these additional limitations) These limitations are recited in claims 1-31 and are considered to be patentable over Fatehi et. al. and all of the other references of record. A copy of PTO-1449 will be included with this office action. The following references are cited by the Examiner on PTO-892 as background art Wayman et. al., U.S.P. No. 5,710,846 (Figs.1-7), Elahmadi et. al., U.S.P. No. 6,735,392 (Figs.1-10), Milton et. al., U.S.P. No. 6,529,300 (Figs.1-13), Jourdan et. al., U.S.P. No. 6,490,383 (Figs.1-7) and Miyazaki et. al., U.S.P. No. 6,532,091 (Figs.1-21).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

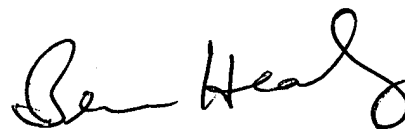
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347 The examiner can normally be reached on Compressed schedule Tues.-Thurs. 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Brian M. Healy**  
**Primary Examiner**  
**Art Unit 2883**

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A handwritten signature in black ink, appearing to read "Brian Healy", with a stylized flourish at the end.

**Brian Healy**  
**Primary Examiner**